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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,142	07/31/2003	Luca Borderi	U 014745-4	1826

7590

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EXAMINER

OSELE, MARK A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,142

Applicant(s)

BORDERI ET AL.

Examiner

Mark A Osele

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 13-20 is/are rejected.
- 7) ☒ Claim(s) 8-12,21 and 22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1-8-04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,939,031 (Takimoto '031). Takimoto '031 shows a method and apparatus for splicing webs from first and second reels comprising a first drum, 7, and a second drum, 8, rotating about first and second axes wherein the first drum has a first face comprising a curved face and a flat connecting face between ends of the curve, the second drum has a second face comprising a curved face and a flat connecting face between ends of the curve such that the drums form a gap between the first and second faces (Fig. 2) and to selectively press the first and second webs together as a function of indexing angles of the first and second drums (Fig. 3). The first and second faces have suction channels, 14 and 15 respectively, to retain the free ends of the two webs.
3. Claims 1-4, 6-7, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,247,515 (Spatafora). Spatafora shows a method and apparatus for splicing webs from first and second reels comprising a first drum, 12a, and a second drum, 12b, rotating about first and second axes wherein the first drum has a first face comprising a curved face and a flat connecting face between ends of the

Art Unit: 1734

curve, the second drum has a second face comprising a curved face and a flat connecting face between ends of the curve such that the drums form a gap between the first and second faces (Fig. 1) and to selectively press the first and second webs together as a function of indexing angles of the first and second drums. (column 4, lines 5-16). Regarding claim 17, Spatafora shows a sticker, 48, on the free end of the second web to splice the two webs when the drums rotate.

Regarding claims 6 and 7, Spatafora shows a cutting device along the line of symmetry between the two drums comprising a fixed portion and a movable assembly, 47.

4. Claims 1-3, 5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,433,681 (Stivani et al.). Stivani et al. shows a method and apparatus for splicing webs from first and second reels comprising a first drum, 4, and a second drum, 5, rotating about first and second axes wherein the first drum has a first face comprising a curved face and a connecting face between ends of the curve, the second drum has a second face comprising a curved face and a connecting face between ends of the curve such that the drums form a gap between the first and second faces (Fig. 1) and to selectively press the first and second webs together as a function of indexing angles of the first and second drums (Figs. 2-3). The first and second faces have suction channels, 30, to retain the free ends of the two webs.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spatafora. As shown above Spatafora shows the instantly claimed invention except for suction channels on each drum. Spatafora shows a suction channel, 38, on the top roller and a concave seating face, 31, with suction channel, 36, to retain the web. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add a suction channel and concave seating face to the lower roller of Spatafora to allow for splicing a new web from either position, top or bottom, ie the depleting web does not have to always be on the lower reel.

Allowable Subject Matter

7. Claims 8-12 and 21-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art suggests the path for the web to extend from a fixed portion of the cutting device to one of the drums.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References to Shimizu et al., Palmieri, Sundin, Winter, and Takimoto each show splicing apparatuses similar to the instantly claimed invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A Osele whose telephone number is 571-272-1235. The examiner can normally be reached on Mon-Fri 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MARK A. OSELE
PRIMARY EXAMINER

May 7, 2004